IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4303 OF 2005

Ms.Zaibunissa L.Malik ..Applicant

Vs.

Imtaiyazul Haque and Anr. ..Respondents

....
Mr.A.G.Kothari Adv. for applicant
Mr.Y.M.Nakhwa A.P.P for State
....

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : OCTOBER 19, 2006

P.C.

1. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

3. The applicant is seeking quashing of the order dated 11th February, 2005 whereby process came to be issued under Section 211 read with Section 500 of IPC against the applicant. The said process is issued in Criminal Case No. 27/SS/2005 which is

pending before the learned Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai.

4. In view of the decision of this Court in the case of **V.K.Jain and others Vs. Pratap P.Padode reported in 2005(3) Mh.L.J.778,** it would be appropriate that the applicant prefers revision against the order of the Magistrate issuing process against the applicant before the concerned Sessions Court. Liberty is granted to the applicant to prefer revision before the concerned Sessions Court.

5. The learned advocate for the applicant states that the necessary revision would be filed within a period of six weeks from today. On the necessary revision being filed within a period of six weeks from today, the learned Sessions Judge shall, after hearing the necessary parties, dispose it of on merits. The proceedings before the trial Court are stayed for a period of six weeks from today.

6. The learned advocate for the applicant further states that the applicant is a young lady and

looking to her work commitments, she may be granted exemption from personal appearance before the trial Court. In the circumstances of this case, the learned Magistrate shall grant her exemption from personal appearance unless the learned Magistrate is of the opinion that her presence is absolutely necessary. In such case, on advance notice being given to the applicant, the applicant shall remain present before the trial Court on that date.

7. Application is disposed of.

[SMT.V.K.TAHILRAMANI,J.]